

**RULES
OF
TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE
REGULATORY BOARD DIVISION**

CHAPTER 0780-05-14

SCRAP METAL DEALER REGISTRATION PROGRAM

TABLE OF CONTENTS

0780-05-14-.01	Purpose	0780-05-14-.07	Check Issuance Fee
0780-05-14-.02	Definitions	0780-05-14-.08	Vouchers
0780-05-14-.03	Registration	0780-05-14-.09	Revocation
0780-05-14-.04	Applications	0780-05-14-.10	Uniform Marking
0780-05-14-.05	Renewals	0780-05-14-.11	Uniform Terminology
0780-05-14-.06	Fees		

0780-05-14-.01 PURPOSE.

The purpose of this chapter is to provide for administration and implementation of the scrap metal dealer registration program, *Tenn. Code Ann.*, Title 62, Chapter 9 (as amended by Public Acts of 2008, Chapter 690), herein referred to as the "Act".

Authority: *T.C.A. §62-9-102. Administrative History: Public necessity rule filed August 29, 2008; effective through February 10, 2009. Public necessity rule filed August 29, 2009; expired effective February 11, 2009; rule reverted to its previous status. Public necessity rule filed February 18, 2009; effective through August 2, 2009. New rule filed February 10, 2009; effective April 26, 2009.*

0780-05-14-.02 DEFINITIONS.

- (1) As used in this chapter, unless the context otherwise requires, the definitions of terms contained in T.C.A. § 62-9-101 are applicable.
- (2) "Person" means, according to the context, any individual, association, partnership, corporation, or any other legally cognizable organization or entity or their employees and duly authorized agents who have the authority to buy, exchange or deal in scrap metal.

Authority: *T.C.A. §§62-9-102 and 1-3-105. Administrative History: Public necessity rule filed August 29, 2008; effective through February 10, 2009. Public necessity rule filed August 29, 2009; expired effective February 11, 2009; rule reverted to its previous status. Public necessity rule filed February 18, 2009; effective through August 2, 2009. New rule filed February 10, 2009; effective April 26, 2009.*

0780-05-14-.03 REGISTRATION.

- (1) Any person who buys, exchanges, or deals in scrap metal either as an employer or employee must register with the Department of Commerce and Insurance as a scrap metal dealer.
- (2) All registrations issued under this part shall expire two (2) years from the date of issuance or renewal thereof.
- (3) Registration may be withdrawn by mailing the certificate of registration, along with any accompanying form required by the department, back to the Department.
- (4) A change in address for a registrant shall be reported to the Department within thirty (30) days.

(Rule 0780-05-14-.03, continued)

Authority: T.C.A. §62-9-102. **Administrative History:** Public necessity rule filed August 29, 2008; effective through February 10, 2009. Public necessity rule filed August 29, 2009; expired effective February 11, 2009; rule reverted to its previous status. Public necessity rule filed February 18, 2009; effective through August 2, 2009. New rule filed February 10, 2009; effective April 26, 2009.

0780-05-14-.04 APPLICATIONS.

- (1) All applications for registration as a scrap metal dealer shall be made on a form provided by the Department of Commerce and Insurance and accompanied by a non-refundable application fee.
- (2) All applications must include the name of the applicant, the social security number or tax payer identification of the applicant, the physical and mailing address of the scrap metal dealer, and the telephone number of the scrap metal dealer. All applications must be signed by the applicant and by the owner, partner or authorized corporate officer of the scrap metal dealer.
- (3) An applicant shall disclose, under penalty of perjury, any criminal conviction of a violation of this Act and any conviction of the criminal offense of theft, burglary or vandalism where the offense involves scrap metal and the date of any such conviction.
- (4) Failure to disclose a criminal conviction on the application for registration shall be a basis for the denial of the application.
- (5) Failure to submit a complete application for registration shall be a basis for the denial of the application.

Authority: T.C.A. §62-9-102. **Administrative History:** Public necessity rule filed August 29, 2008; effective through February 10, 2009. Public necessity rule filed August 29, 2009; expired effective February 11, 2009; rule reverted to its previous status. Public necessity rule filed February 18, 2009; effective through August 2, 2009. New rule filed February 10, 2009; effective April 26, 2009.

0780-05-14-.05 RENEWALS.

- (1) Prior to the expiration of their registration, a registrant shall submit an application for renewal of registration on the prescribed form and accompanied by a non-refundable renewal fee.
- (2) All applications for renewal must include the name of the applicant, the social security number or tax payer identification of the applicant, the physical and mailing address of the scrap metal dealer, and the telephone number of the scrap metal dealer. All applications for renewal must be signed by the applicant and by the owner, partner or authorized corporate officer of the scrap metal dealer.
- (3) The application for renewal shall disclose, under penalty of perjury, any criminal conviction of a violation of this Act and any conviction of the criminal offense of theft, burglary or vandalism where the offense involves scrap metal and the date of any such conviction.
- (4) Failure to disclose a criminal conviction on the application for renewal shall be a basis for the denial of the renewal.
- (5) Failure to submit a complete application for renewal shall be a basis for the denial of the renewal.

(Rule 0780-05-14-.05, continued)

- (6) Registrations cannot be renewed after they expire. If a registration is not renewed prior to expiration, a new application will be required to be submitted.

Authority: T.C.A. §62-9-102. **Administrative History:** Public necessity rule filed August 29, 2008; effective through February 10, 2009. Public necessity rule filed August 29, 2009; expired effective February 11, 2009; rule reverted to its previous status. Public necessity rule filed February 18, 2009; effective through August 2, 2009. New rule filed February 10, 2009; effective April 26, 2009.

0780-05-14-.06 FEES.

- (1) All applications for registration under the Act shall be accompanied by a non-refundable fee of one hundred seventy five dollars (\$175).
- (2) All applications for renewal of registration under the Act shall be accompanied by a non-refundable fee of one hundred twenty five dollars (\$125).
- (3) A request for a replacement certificate shall be accompanied by a non-refundable fee of ten dollars (\$10).
- (4) A request to change the address on a certificate shall be accompanied by a non-refundable fee of ten dollars (\$10).

Authority: T.C.A. §62-9-102. **Administrative History:** Public necessity rule filed August 29, 2008; effective through February 10, 2009. Public necessity rule filed August 29, 2009; expired effective February 11, 2009; rule reverted to its previous status. Public necessity rule filed February 18, 2009; effective through August 2, 2009. New rule filed February 10, 2009; effective April 26, 2009.

0780-05-14-.07 CHECK ISSUANCE FEE.

A scrap metal dealer may charge the person selling scrap metal a check issuance fee of ten percent (10%) of the dollar value of the scrap for the dealer's administrative costs of processing and issuing any check required by the Act. However, the fee, if charged, shall be a minimum of two dollars (\$2.00) and shall not exceed five dollars (\$5.00) per check.

Authority: T.C.A. §62-9-104. **Administrative History:** Public necessity rule filed August 29, 2008; effective through February 10, 2009. Public necessity rule filed August 29, 2009; expired effective February 11, 2009; rule reverted to its previous status. Public necessity rule filed February 18, 2009; effective through August 2, 2009. New rule filed February 10, 2009; effective April 26, 2009.

0780-05-14-.08 VOUCHERS.

- (1) A voucher issued as payment for scrap metal as required by the Act shall expire six (6) months from the date of the transaction.
- (2) Any unredeemed voucher funds shall be remitted to the Department of Commerce and Insurance, with a form provided by the Department, within one (1) year of the expiration of the voucher.

Authority: T.C.A. § 62-9-104. **Administrative History:** Public necessity rule filed August 29, 2008; effective through February 10, 2009. Public necessity rule filed August 29, 2009; expired effective February 11, 2009; rule reverted to its previous status. Public necessity rule filed February 18, 2009; effective through August 2, 2009. New rule filed February 10, 2009; effective April 26, 2009.

0780-05-14-.09 REVOCATION.

- (1) The registration of a person convicted of a violation of any provision of the Act, or the criminal offense of theft, burglary or vandalism if such offense involved scrap metal, shall be immediately revoked by operation of law upon such conviction.
- (2) The law enforcement agency responsible for the conviction shall transmit to the Commissioner of Commerce and Insurance a copy of the judgment of conviction of a person registered as a scrap metal dealer.

Authority: T.C.A. §62-9-110. **Administrative History:** Public necessity rule filed August 29, 2008; effective through February 10, 2009. Public necessity rule filed August 29, 2009; expired effective February 11, 2009; rule reverted to its previous status. Public necessity rule filed February 18, 2009; effective through August 2, 2009. New rule filed February 10, 2009; effective April 26, 2009.

0780-05-14-.10 UNIFORM MARKETING.

In order to be considered marked under Tenn. Code Ann. § 62-9-102(a)(9), the scrap metal must be clearly and visibly embossed, engraved, etched, painted or otherwise marked with the name of the governmental entity, business, company, or the name of the owner of such metal.

Authority: T.C.A. §§62-9-102 and 62-9-106. **Administrative History:** New rule filed February 10, 2009; effective April 26, 2009.

0780-05-14-.11 UNIFORM TERMINOLOGY.

The following terms are the uniform terminology describing the types of metal and objects most commonly sold as scrap to be used in the transaction records:

Acetylene Cutting Torch	Insulated Aluminum Wire
Air Conditioner	Insulated Copper Wire
Air Conditioner Coil	Insulated Steel Wire
Air Conditioner Condenser	Kitchen Exhaust Hood
Aluminum Ladder	Lawn Mower
Aluminum Panels	Microwave Oven
Angle Iron	Miscellaneous Aluminum Scrap
Backflow Preventer	Miscellaneous Copper Scrap
Bare Aluminum Wire	Miscellaneous Iron Scrap
Bare Copper Wire	Miscellaneous Steel Scrap
Bare Steel Wire	Motor Vehicle
Batteries	Motor Vehicle parts
Bolt Cutters	Motor Vehicle – Crushed
Cable – Aluminum	Muffler/Muffler Pipe
Cable – Copper	Pipe – Iron
Cable – Steel	Pipe – Stainless Steel
Catalytic Converter	Precious Metal
Chains	Radiator
Compressed Gas Cylinder/Tank	Refrigerator/Freezer
Copper Tubing	Rolled Metal Coil
Dishwasher	Scaffolding
Dryer	Stove/Oven
Electrical Box	Toolbox – Truck
Farm/Garden Equipment/Implements	Toolbox – Jobsite
Fence	Washing Machine
Firearms	Welder

(Rule 0780-05-14.11, continued)

Fuel tank
Heater Core/Furnace

Wrought Iron

Authority: T.C.A §§69-9-102 and 62-9-104. **Administrative History:** New rule filed February 10, 2009; effective April 26, 2009.